

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) Case No. MJ08-515
Plaintiff,)
v.)
JAMES P. PITMAN,) ORDER DENYING STIPULATED
Defendant.) MOTION TO EXTEND TIME TO
) FILE INDICTMENT
)

On December 8, 2008, the parties to the above-captioned matter filed a Joint Motion to Extend Time to File Information or Indictment Under the Speedy Trial Act. Dkt. No. 8. The motion argued that granting a continuance would satisfy the “ends of justice” by providing the parties additional time to review discovery materials, investigate the facts, negotiate a plea and calculate potential restitution obligations. In addition, they argued that failure to grant the extension would deny defendant and the government the right to have a reasonable amount of time to prepare. *Id.*

Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a matter of course but rather [intended it] to be used sparingly and only when necessary.” *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence, an “ends of justice” exclusion may be granted only for a specific duration when “justified [on the record] with reference to the facts as of the time the delay is ordered.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir. 2000). Generalized assertions that the “ends

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01 of justice" will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-55.

02 Here, the parties have provided no evidence sufficient to justify granting a
03 continuance. Instead, they have alluded to the fact that calculation of restitution complicates
04 plea negotiations, and asserted that a continuance would satisfy the ends of justice. These
05 assertions are insufficient to justify a continuance. The parties' motion is therefore DENIED.

06 DATED this 9th day of December, 2008.

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09 JAMES P. DONOHUE
10 United States Magistrate Judge
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